

In re: Application of Philip Davis

Serial No. 10/615,883

Filed: July 9, 2003

For: **A NON-ADHESIVE COMPRESSION MATTING SYSTEM AND METHOD FOR FRAMING AND ARCHIVING A DISPLAY ITEM**

REMARKS

It is respectfully submitted that the cited references do not disclose the instant invention as recited in the claims. Applicant respectfully requests that the rejection of the claims under 35 U.S.C. §102 and § 103 be withdrawn in view of the remarks set forth below.

Rejections under 35 USC 102

The examiner has rejected claims 1, 15 and 23-27 under 35 U.S.C. §102(b) as being anticipated by Lane (279,490). Applicant respectfully disagrees with the Examiner's characterization of the Lane reference. Lane merely discloses an ornamental card. It is respectfully submitted that there is no showing in Lane of a specifically claimed non-adhesive matting system having a plurality of mats. Lane shows a photo wherein the photo is affixed to the card by a gummed tape (Figure 12). In Lane, the item to be displayed in the window of the card is slidingly engaged into the card or positioned by means of a hinged door. In contrast, the item to be displayed in the instant invention, as claimed, is positioned in the frame extension created by the carrier and display mats and subsequently; the backer mat is positioned behind the carrier mat. Applicant contends that this subject matter is not disclosed and such teaching is lacking in Lane. Furthermore, Lane is completely silent with respect to having a specific method of displaying items in a matted frame. The claims are specific in the method in which the mats

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are assembled and in the manner in which the display item is inserted in the mats. The instant invention also distinguishable over Lane in that Lane shows a thin gelatinous membrane to keep the item to be displayed in the card. The instant invention, which is directed to archiving items does not provide for a transparent membrane since such membrane would degrade over time and thus would be unsuitable for the purposes of archival use and storage. Applicant respectfully asserts that Lane lacks a showing of anticipating the instant invention, as claimed, and requests that the rejection be withdrawn and the claims passed to issue.

The Examiner has rejected claims 1, 15 and 23-27 under 35 U.S.C. §102(b) as being anticipated by Cohart (5,279,880).

Applicant respectfully disagrees with the Examiner's characterization of the Cohart reference. Cohart shows a mat structure, which does not define a specific window having a frame extension in order to place archived items. Cohart shows a photo 26 in both Figures 5 and 6, which is placed on a back mat 24 and subsequently, the mats 10 and 16 are placed over the photo. The disclosure of Cohart is directed to placing the matted photo in a frame, the photo's edges being obscured by mats 10 and 16 (clearly shown in figures 5 and 6). The showing of Cohart is that the photo to be matted is placed in a frame is evidence that Cohart is not directed to archival storage and archiving items, but solely interested in displaying a photo for aesthetic purposes. Cohart, throughout the disclosure as well as in the figures, shows the well mat 16 and the back mat 24 holding the photo to be displayed. In stark contrast, the instant invention specifically claims that the display item is positioned in the window of the carrier mat. Applicant

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respectfully asserts that the photo of Cohart is not positioned in the window of the well mat and front mat of Cohart. Applicant further asserts that Cohart does not contain a showing of anticipating the instant invention, as claimed, and requests that the rejection be withdrawn and the claims passed to issue.

Rejections under 35 USC 103

The examiner has rejected claims 2, 9-13, 16 and 23-27 under 35 U.S.C. §103(a) as being unpatentable over Cohart (5,279,880) in view of Lane.

Applicant respectfully disagrees with the Examiner's proposed modification of the Cohart reference. As stated above, the photo of Cohart is pressed between the middle and back mats so as to be held in place. This "pressing" implies, and is shown in the figures that the photo of Cohart is larger than that of the opening of the middle mat. Such structural suspension of the photo in Cohart teaches away from incorporating the teaching of Lane into the Cohart reference since Cohart would be rendered inoperable for the purposes intended, namely the suspension of the photo. Applicant respectfully asserts that the teaching of a hinged flap as taught by Lane incorporated into the Cohart back mat would not have been obvious to a person having ordinary skill in the art at the time the invention was made for archival purposes since both Lane and Cohart teach that their respective items to be displayed are structurally supported by tape (m) as shown in Lane and by mats 16 and 24 in Cohart. Furthermore, claims 2 and 16 specifically state that the display item is to be held by the frame extension created by the carrier mat and the

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display mat. Cohart specifically shows that the photo is held by the well mat and the backer mat, not the front mat and the well mat as shown in the instant invention.

The Examiner has indicated that, as a general matter that Applicant's claims directed to the type of adhesive used for the hinge are unpatentable and/or anticipated. Applicant respectfully asserts that neither Lane nor Cohart provide either disclosure or motivation for the use of archival grade adhesive. Lane is directed to an ornamental card in which, as evidenced by the age of the Lane invention, does not provide motivation to use archival materials since there was no foundation to archive display items of value. At the time of the Lane teachings, archiving and archival quality materials such as non-woven polyethylene were, upon information and belief, not invented and as such Applicant contends that the use of archival quality materials would not have been obvious in 1883 as proposed by the Examiner. Further, Cohart does not provide a teaching of archival grade materials since Lane is relied upon to teach a hinged door. It is respectfully noted that Cohart is directed to a matted picture where the picture is held in place by the back and middle mats further demonstrating that neither Cohart nor Lane contemplate the use of their respective inventions for archiving display items. Specifically in Cohart, Cohart teaches away from archiving because the photo of Cohart is "pressed" between the mats. It is respectfully asserted that this structural suspension of the photo shows that Cohart does not intend to archive the displayed photo.

In the interest of expediting prosecution of the instant invention and finding allowable subject matter and claim language that can be agreed upon by both the Examiner and Applicant,

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Applicant respectfully invites the Examiner to contact Applicant if the Examiner deems that the instant invention can be more clearly distinguished from the above cited references.

In view of the above remarks, reconsideration of the rejections and allowance of the pending claims is respectfully requested. A good faith effort has been made to place the present application in condition for registration and such action is earnestly solicited. If there are any questions, the Examiner is requested to contact the undersigned at the below referenced address.

Dated: September 6, 2006

Respectfully submitted,
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